UNITED NATIONS

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General Assembly

Economic and Social Council

Distr.
GENERAL

A/46/184
E/1991/81
22 May 1991

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-sixth session
Items 93, 94 and 99 of the preliminary list*
ELIMINATION OF RACISM AND RACIAL DISCRIMINATION
RIGHT OF PEOPLES TO SELF-DETERMINATION
HUMAN RIGHTS QUESTIONS

ECONOMIC AND SOCIAL COUNCIL
First regular session of 1991

Note verbale dated 21 May 1991 from the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

The Permanent Representative of the Socialist Federal Republic of Yugoslavia to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to transmit, enclosed herewith (see annex), the comments by the Federal Secretariat for Foreign Affairs of Yugoslavia concerning the note verbale dated 6 May 1991 from the Republic of Albania and its annex (A/46/166-E/1991/71).

It would be appreciated if you could have the text of the present note verbale and its annex distributed as a document of the General Assembly, under items 93, 94 and 99 of the preliminary list, and of the Economic and Social Council at its first regular session of 1991.

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* A/46/50.

READEX FICHE

ANNEX

Comments by the Federal Secretariat for Foreign Affairs of Yugoslavia concerning the note verbale dated 6 May 1991 from the Republic of Albania

In connection with the note verbale of the Republic of Albania of 6 May 1991 and its annex (A/46/166-E/1991/71), the Federal Secretariat for Foreign Affairs of Yugoslavia would like to make the following comments.

The positions presented in the resolution passed by the People's Assembly of Albania have been based on twisted facts and the demands put forward run contrary to the accepted international standards and documents.

In the resolution in question, the members of the Albanian ethnical group are treated as a nation instead of as a national minority, which would be in line with both the Federal Constitution and the constitutions of the Yugoslav Republics, as well as with the principles of international law, the provisions of peace treaties, the Final Act of the Conference on Security and Cooperation in Europe (CSCE) and other relevant international instruments, particularly the documents of the Second meeting on human dimension of the CSCE, held at Copenhagen. In addition, the figure of 3,000,000 ethnic Albanians living in Yugoslavia is incorrect. According to the last 1981 Yugoslav census, the number of the members of the Albanian minority in the whole of Yugoslavia totalled 1,730,364. It is difficult to determine with accuracy their total number today, since, following the instructions of their leaders, ethnic Albanians in Kosovo did not take part in the recent Yugoslav census. However, according to the estimates of the Federal Bureau for Statistics, there is, at the most 1,650,000 Yugoslav citizens of Albanian nationality living today in Kosovo. Failing to take part in the official census, the members of the Albanian national minority violated their national obligation and Yugoslavia's international commitment to the United Nations.

The resolution condemns the Republic of Serbia for having invaded Kosovo, populated by Albanian people. It goes on to say that the Albanian people has been "divided in half through the dictate of the old diplomacy". After the Balkan liberation wars in 1912, which brought the Ottoman occupation of the Balkan peninsula to an end, Kosovo became an integral part of Serbia, which was confirmed by the international peace treaty signed in London in 1913. It is absurd to state that a country invaded a part of its own territory. The other allegation, which implies a purported injustice and consequently the disputability of internationally recognized borders between Yugoslavia and Albania, runs contrary to international legal order and represents a threat to Yugoslavia's territorial integrity.

The Albanians in Yugoslavia, particularly in Serbia, enjoy all fundamental rights. Under the Constitution of Serbia its citizens are not discriminated against on ethnical or other grounds and they enjoy equal

rights, including being part of the sovereignty of the Republic of Serbia (article 2 of the Constitution).

Ethnic Albanians, as a nationality, are in addition granted specific rights: the right to instruction in their language (article 32 of the Constitution); the right to conduct religious services, to set up religious schools and financial assistance to religious communities (article 41); the right to express their national identity and culture and use their own language and alphabet (article 49); and the right to their language in proceedings before State authorities. Furthermore, the Albanians in Serbia have their territorial autonomous province. The official language in the territories where ethnic Albanians are in a majority is Albanian (article 8 of the Constitution). Not only are the Albanians equal in their rights with the Serbs in Serbia, but they enjoy even more rights than modern States grant to their minorities (administrative autonomy, Academy of Sciences, Universities, public and cultural institutions and the like).

The resolution denies Yugoslavia's right to determine administrative local borders inside its own territory. That act is termed as genocide against the Albanian minority. This is an extremely odd position in contemporary political developments, and an incomprehensible and unacceptable attitude concerning the internal affairs of a neighbouring country. It is a pronounced example of interference in affairs exclusively under Yugoslavia's internal jurisdiction.

The resolution pledges support to the so-called Declaration on Independence of Kosovo, of 2 July 1990, whereby the leadership of the separatist movement in the province attempted to separate Kosovo unlawfully from the Republic of Serbia. This illegal act of separatism is contrary to articles 2 and 3 of the Constitution of Yugoslavia, articles 4 and 6 of the Constitution of the Republic of Serbia, and the Final Act of Helsinki, principles I, III, IV, VII, paragraph 4, and VIII, as well as to the document of the Second meeting of the Conference on the human dimension of the CSCE, article 37. By rendering its unreserved support to this declaration and by making this unlawful act its own and presenting it as an essential part of Albania's official policy towards Yugoslavia, the Republic of Albania challenges Yugoslavia's sovereignty over its territory as a whole, and does not recognize its territorial integrity and borders.

The resolution urges that the Albanian national minority in Yugoslavia be granted the status of a nation with all the rights inherent thereof under the Yugoslav Constitution. Consequently, that would include the right to secession of the territory populated by ethnic Albanians in Yugoslavia. Invoking the right to secession of the Albanian national minority is in flagrant violation of the preambular part of the Constitution of Yugoslavia and articles 4 and 6 of the Constitution of Serbia. By doing so, Albania is attempting to impose the constitutional norms on a country where its minority lives. This is in violation of international law regulating relations among States; it also encourages the members of the Albanian minority in Serbia not

to be loyal to their own State, Serbia and Yugoslavia, and directly jeopardizes good-neighbourly relations, stability and peace in the region.

Albania took the right to declare its minority in another country, a nation entitled to self-determination, including the right to secession from the country in which it lives. Such a policy is unacceptable and completely contrary to all norms and principles of international law, including those concerning minorities and their rights in the countries where they live. That opens a serious question for all States Members of the United Nations that have national minorities, for all participating countries of the CSCE that attach particular attention to this issue, and poses a threat to stability, peace and security.

While advocating the right to self-determination for its minority, and, in this particular case, the right to secession, in its own country Albania does not respect the rights of national minorities. It does not recognize the existence of the Montenegrin and Serbian minority and underestimates the number of ethnic Macedonians. Until recent reforms, non-Albanian personal names were prohibited by law and all members of Yugoslav minorities had their names changed against their will. The names of places and geographical locations of Slavic origin have also been changed. Religious services were not allowed. The right to instruction in their own language has been and still is denied, except for the Macedonian minority up to elementary school level. Magazines or other activities for the preservation of the national, cultural and other heritage of national minorities are also denied. Until recently, the Albanian authorities prevented all contacts even among closest relatives on two sides of the Yugoslav-Albanian border.

Having repeatedly pointed out over a number of years that the Yugoslav minorities are stripped of their rights, the Yugoslav Government presented to the Albanian Government a Promemoria in which it stated, in a positive and constructive manner, that it was necessary to resolve this important issue affecting our relations and expressed Yugoslavia's interest that the conditions for the development and improvement of the overall position of Yugoslav minorities in Albania be created. Out of the 100,000 members of the Yugoslav minorities living in Albania, the majority of them are Macedonians, followed by Serbs and Montenegrins.

Since they have been completely deprived of their rights in Albania, there has been a mass exodus of Yugoslav minorities recently from Albania to Yugoslavia, which indicates that the process of democratization of Albanian society has not opened perspectives for the improvement of the position of national minorities in line with contemporary developments and international norms.